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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,807	07/16/2001	Helen Rachel Crooke	GJE-65	2112

23557 7590 11/14/2003

SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
2421 N.W. 41ST STREET  
SUITE A-1  
GAINESVILLE, FL 326066669

EXAMINER

HINES, JANA A

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 11/14/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

***NON-RESPONSIVE AMENDMENT***

1. The communication filed on May 30, 2003 is not fully responsive to the communication mailed previously.

This action is non-responsive. New claims 23-40 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The previous claims were drawn to method for screening potential drugs or for the detection of virulence wherein the method utilized a peptide encoded by an operon wherein the operon comprises a gene.

Now the invention is drawn to a method for screening potential antimicrobial drugs, said method comprising: contacting a peptide with the potential antimicrobial drug, wherein the peptide has the ability to translocate a protein from the bacterial cytoplasm to the periplasm and determining whether the potential antimicrobial drug inhibits the ability of the peptide to translocate a protein.

The new invention does not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The new invention has unrelated steps, particularly using a peptide with the ability to translocate a protein from the bacterial cytoplasm to the periplasm and determining whether the potential antimicrobial drug inhibits the ability of the peptide to translocate a protein. The methods have different special technical feature when compared to each other. Accordingly, the groups lack the same technical feature. Even though the claims have similar preamble language, the steps of the claims are drawn to different functions and different final outcomes; the new method determines whether the protein was translocated

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whereas the previous method claims are not drawn to the same outcome. Thus, the examiner cannot appreciate that the new claims would read on the previously claimed invention.


2. The amendment filed on May 30, 2003 adding new claims is non-responsive (MPEP § 821.03). The new claims are not readable on the elected invention for the reasons stated above.


3. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ja-Na Hines whose telephone number is 703-305-0487. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on 703-308-3909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Ja-Na Hines   
November 12, 2003

  
MARK NAVARRO  
PRIMARY EXAMINER